

Appl. No. 10/615,211
Reply to Office Action of August 30, 2007

Remarks/Arguments

Applicant thanks the Examiner for the continued attention to the current application. Claims 1, 3, 7, 8, 11, 12, 14, 15, 20 - 24 and 27 - 49 are currently pending. Applicant has amended claims 1, 15 and 24 to clarify the scope of protection sought. The amendments are fully supported by the description as originally filed.

In responding to Applicants previous arguments, filed March 1, 2007, the Examiner has alleged "even if applicant intends the claims to mean that web-based system is not used, and explicitly states such a limitation, winters teaches that 'some and/or all aspects of the present invention could manifest themselves using non-browser based technology (e.g. ICQ, IM technology, wireless devices, PDAs, kiosks, set-top boxes etc'" (Examiner's emphasis).

Applicant notes that Winters in fact teaches that "some and/or all aspects of the present invention could manifest themselves using non-browser based Internet technology (e.g. ICQ, IM technology, wireless devices, PDAs, kiosks, set-top boxes etc" The technology of Winters must be able to connect to the Internet.

The Examiner has further alleged that "the contents of the website are in fact uploaded to the client remote computer for processing and viewing" (emphasis added). Applicant notes that claim 1 recites in part:

*the one or more global rules being uploaded to the portable
remote information capture device*

While the system taught by Winters may upload information to a portable device such as, web site information to be displayed to the user, it does not suggest uploading the one or more global rules. Applicants respectfully note that, one skilled in the art would not consider uploading the one or more global rules for identifying customers that are eligible for rewards to the portable information collection device, based on the teachings of Winters. Winters discloses that the LEDO rewards technology utilizes a web site (i.e. the LEDO rewards system requires a LEDO web server), and so would not readily be adapted to remote devices, which cannot serve web pages to LEDO users (Winters Figures 1A - 2B).

Appl. No. 10/615,211

Reply to Office Action of August 30, 2007

Claim Rejections – 35 USC (S) 103

The Examiner has rejected claims 1, 3, 7, 8, 11, 12, 14, 15, 20 – 22, 24, 27, 29 – 34, 36 – 47 and 49¹ under 35 U.S.C. 103(a), alleging the claims are unpatentable over Kolls (US Pub. No.: 2001/0016819) in view of Winters (PG Pub. 2001/0034635). Applicants respectfully request reconsideration of the rejections as set forth below.

Kolls discloses a system for a public, private, or cellular phone with access to the Internet for the purposes of transacting e-mail, e-commerce, and e-business and for communicating voice and data. Additionally the disclosure of Kolls relates to a universal advertising and payment system and method for networking, monitoring and effectuating e-mail, e-commerce, and e-business and controlling vending equipment and applications.

Winters discloses a fully integrated, on-line digital collectible award redemption and instant-win program. The system of Winters awards consumers with Limited Edition Digital Objects ('LEDO') from online merchants and websites as a premium for making online purchases, visiting their websites or doing other activities such as taking surveys, signing up for memberships etc.

Applicant respectfully submits, that the combined Kolls-Winters system does not teach or suggest the subject matter as currently claimed. The Kolls-Winters system suggests providing access to a vending machine (Kolls) using an user's ID. This same ID could be used to register with the LEDO web site to provide the functionality of Winters. The LEDO functionality of Winters could be used to attract and retain customers of the vending machine taught by Kolls. The LEDO functionality provided by the teachings of Winters would allow a registered user to receive a collection of encrypted LEDOs. Upon using the vending machine of Kolls, the user may be provided with a password that can be used to unlock a new LEDO in the received LEDO collection.

In general terms, the combined Kolls-Winters system provides a vending machine that rewards users for continued use. A user registers, and receives an encrypted collection of rewards. Upon use of the vending machine, the user is provided with a password to decrypt an encrypted reward.

¹ The Examiner has included claim 9 in the rejection which was previously cancelled. Applicant assumes the Examiner meant to refer to claim 49.

Appl. No. 10/615,211

Reply to Office Action of August 30, 2007

By contrast, in general terms, the current application describes a system and method that allows for information to be captured on a remote device. The remote device may then check the captured information against global rules stored on the remote device to determine an action. This functionality is provided on the remote device, which allows the system to be used in remote locations where network access is not available. Applicant respectfully submits that the combined Kolls-Winters system does not teach the claimed subject matter in general. Furthermore, the combined teachings of Kolls and Winters fails to teach the specific limitations of the claims, and further fails to provide one skilled in the art with any suggestion or motivation for modifying the Kolls-Winters system to arrive at the claimed subject matter.

Regarding claim 1, the Examiner has alleged that Winters discloses the portable remote information capture device further comprising a module for identifying a consumer who is eligible for the one or more rewards defined by the uploaded one or more global rules. Applicant respectfully submits that the paragraphs of Winters cited by the Examiner (paragraphs 12, 39, 40, 42 and 43) do not teach or suggest the global rules as currently claimed. Applicant has amended claim 1 to clarify the scope of protection sought. Claim 1 now recites in part:

the portable remote information capture device further comprising a module for identifying a consumer who is eligible for the one or more rewards defined by the uploaded one or more global rules, the module identifying the eligible consumer based on at least the captured remote information and the one or more global rules uploaded to the remote information capture device.

Applicant respectfully submits that Winters discloses that the LEDO provider contributes LEDO technology to the system. The LEDO technology provides a reward incentive that comprises the characteristics of instant-win, lottery functionality, redemption points functionality, multi-media/toy/gaming functionality and collectibles.

Winters further teaches that a compact disc (CD) is then delivered to the user offline that contains an encrypted library of the chosen content line, as well as a viewing program, such as an 'album' for the user's LEDOs. The user is given access to the LEDOs using a proper passwords/codes to unencrypt the various LEDOs on the CD. After registering with the LEDO provider, a user may engage in a number of LEDO activities on the LEDO provider website,

Appl. No. 10/615,211

Reply to Office Action of August 30, 2007

such as viewing/interacting with their LEDO collections, playing LEDO based games, auctioning/trading LEDOs with other users, buying LEDOs etc. Winters does disclose that the LEDO album could be delivered to the user in other ways, such as on-line. Regardless of the delivery method, Winters requires that the user receive an encrypted LEDO album.

Applicant respectfully submits that the teachings of Winters does not disclose the computer system comprising a global rules manager module for creating one or more global rules, the one or more global rules being uploaded to the portable information capture device. The teachings of Winters also fails to disclose the portable remote information capture device further comprising a module for identifying a consumer who is eligible for the one or more rewards defined by the uploaded one or more global rules, the module identifying the eligible consumer based on at least the captured remote information and the global rules uploaded to the portable remote information capture device.

As set forth above, the combined teachings of Kolls and Winters fails to teach all of the limitations of current claim 1. Furthermore, there is no suggestion or motivation in either Kolls or Winters that would lead one skilled in the art to modify the combined Kolls-Winters system to arrive at the subject matter of current claim 1. As such, Applicant respectfully submits that current claim 1 is patentable over Kolls in view of Winters, and complies with 35 U.S.C. § 103(a).

Regarding claim 24, the Examiner has rejected the claim based on the same reasoning as for rejecting claim 1. Applicant has amended claim 24, in accordance with the amendment made to claim 1, to clarify the scope of protection sought. Applicant respectfully submits similar arguments as presented above as to the patentability of current claim 24. Applicant submits that amended claim 24 complies with 35 U.S.C. § 103(a).

Regarding claims 3, 7, 8, 11, 12, 14, 15, 20 - 22, 27, 29 - 34, 36 - 47 and 49, Applicant notes that the claims being dependent, either directly or indirectly, on either independent claim 1 or independent claim 24 comprise all of the limitations of independent claim 1 or independent claim 24. As set forth above, the combined teachings of Kolls and Winters fails to teach all of the limitations of the independent claims. The combined teachings also fail to provide any suggestion or motivation that would lead one skilled in the art to the limitations of the independent claims. As such, Applicant respectfully submits that the combined teachings also

Appl. No. 10/615,211

Reply to Office Action of August 30, 2007

fail to teach all of the limitations of claims 3, 7, 8, 11, 12, 14, 15, 20 - 22, 27, 29 - 34, 36 - 47 and 49, or provide any suggestions or motivation that would lead one skilled in the art to the limitations of the claims. Applicant respectfully submits that claims 3, 7, 8, 11, 12, 14, 15, 20 - 22, 27, 29 - 34, 36 - 47 and 49 comply with 35 U.S.C. § 103(a).

Furthermore regarding claim 15, Applicant submits that Kolls does not teach the remote information capture device further comprises a fraudulent use detector. The alarm taught by Kolls at paragraph 78 is a physical system for detecting attempted tampering with the hardware. This is in contrast to the fraudulent use detector as described by the current application, which detects, for example if an ID is used to enter a restricted area twice, without first exiting the restricted area. Applicant has amended claim 15 to clarify that the fraudulent detector uses the captured remote information to detect the fraudulent use, and not a physical system as taught by Kolls. Claim 15 now recites in part:

for detecting fraudulent uses based on the remote information.

Furthermore regarding claim 22, Applicant submits that Kolls does not teach that the captured remote information is security rounds data. At paragraph 78, Kolls teaches that a signal can be sent via a hardware security interface to a location, such as a front desk etc. That is the system of Kolls generates the security data, it is not the captured remote information as claimed in current claim 22.

Furthermore regarding claim 27, the Examiner has noted that 'signature capture device by definition operate with a stylus and save signatures as a bitmap image' (emphasis added). Applicant notes that claim 27 recites in part:

a module for storing the captured signature in a binary signature file format, including a module for identifying a plurality of points in a screen along the consumer signature and storing the plurality of points along with one or more indexes of one or more points among the plurality of points, each of the one or more indexes representing a disconnection with another point

Applicant submits that the binary signature file as claimed is not a bitmap image. As set forth in the current application (page 27, lines 5 - 12) the binary signature file may require less

Appl. No. 10/615,211

Reply to Office Action of August 30, 2007

space to store the signature, as compared to a bitmap, which may be advantageous on a portable device. Applicant respectfully submits that the binary signature file is significantly different than a bitmap file.

Furthermore regarding claim 43, Applicants submit that Winters does not teach an email generator module for automatically generating an email address for a consumer based on the personal data captured by the reader. The example of Winters that the Examiner has relied upon teaches automatically filing in an e-mail address from a database. This does not suggest automatically generating the e-mail address based on the captured personal data.

The Examiner has rejected claim 23 under 35 U.S.C. 103(a), alleging that the subject matter is unpatentable over Kolls and Winters in further view of Sugar et al. (PG Pub. 2002/0029164). Applicant notes that the claim being dependent on independent claim 1 comprise all of the limitations of independent claim 1. As set forth above, the combined teachings of Kolls and Winters fails to teach all of the limitations of the independent claims. The combined teachings also fail to provide any suggestion or motivation that would lead one skilled in the art to the limitations of the independent claims. The teachings of Sugar et al. fail to teach, suggest, or provide motivation for overcoming the shortcomings of Kolls and Winters. As such, Applicant respectfully submits that the combined teachings also fail to teach all of the limitations of claim 23, or provide any suggestions or motivation that would lead one skilled in the art to the limitations of the claim. Applicant respectfully submits that claim 23 complies with 35 U.S.C. § 103(a).

The Examiner has rejected claims 28, 35 and 48 under 35 U.S.C. 103(a), alleging that the subject matter is unpatentable over Kolls and Winters in further view of Java GUI programming. Applicant notes that the claims being dependent on independent claim 1 comprise all of the limitations of independent claim 1. As set forth above, the combined teachings of Kolls and Winters fails to teach all of the limitations of the independent claims. The combined teachings also fail to provide any suggestion or motivation that would lead one skilled in the art to the limitations of the independent claims. The teachings of Java GUI programming fail to teach, suggest, or provide motivation for overcoming the shortcomings of Kolls and Winters. As such, Applicant respectfully submits that the combined teachings also fail to teach all of the limitations of claims 28, 35 and 48, or provide any suggestions or motivation that would lead one skilled in

Appl. No. 10/615,211
Reply to Office Action of August 30, 2007

the art to the limitations of the claims. Applicant respectfully submits that claims 28, 35 and 48 comply with 35 U.S.C. § 103(a).

As set forth above the teachings of Kolls, Winters, Sugar et al and Java GUI programming, taken alone or in combination fail to teach all of the limitations of the claims and fail to provide any suggestion or motivation that would lead one skilled in the art to the subject matter of the current claims. As such, Applicant respectfully submits that all currently pending claims comply with 35 U.S.C. 103(a).

Closing

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

Prompt and favorable consideration of this Response and Amendment is respectfully requested.

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12/21/2007
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